

ficial flavor and color. Misbranding was alleged for the further reason that the articles were imitations of other articles, grape-flavored candy and raspberry-flavored candy.

On June 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

21163. Adulteration of apples. U. S. v. 98 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 30491. Sample no. 35879-A.)

This case involved the interstate shipment of a quantity of apples, bearing lead in an amount which might have rendered them injurious to health.

On April 14, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 bushels of apples at Lincoln, Nebr., alleging that the article had been shipped on or about March 31, 1933, by Quick & Harris, from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On May 16, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21164. Misbranding of olive oil. U. S. v. 101 Cans of Olive Oil. Default decree of destruction. (F. & D. nos. 30120, 30121. Sample nos. 36106-A, 36110-A.)

These cases involved a shipment of olive oil, sample cans of which were found to contain less than 1 gallon, the declared volume.

On April 20, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 101 cans of olive oil, in part at Price, Utah, and in part at Helper, Utah, alleging that the article had been shipped in interstate commerce on or about March 28, 1933, by Mallars & Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Contents One Gallon Athlete Brand Pure Olive Oil Mallars & Company. Chicago."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents One Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On June 24, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21165. Misbranding of ground ginger. U. S. v. 1 Gross Cans of Ground Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30503. Sample no. 41802-A.)

This case involved an interstate shipment of a quantity of ground ginger, samples of which were found to be short weight.

On May 23, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one gross cans of ground ginger at Atlantic City, N. J., alleging that the article had been shipped on or about March 15, 1933, by H. L. Caplan & Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Manischewitz's Pure Ground Ginger * * * Packed for the M. Manischewitz Co. New York 1½ Oz. Net Wgt."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1½ Oz. Net Wgt.", was false and misleading and deceived and misled the purchaser, since the net weight of each can was less